

### **DETAILED ACTION**

Receipt is acknowledged of Applicants' filing amendments and response dated 6/27/2008.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James McGinnis on December 4, 2008.

The application has been amended as follows:

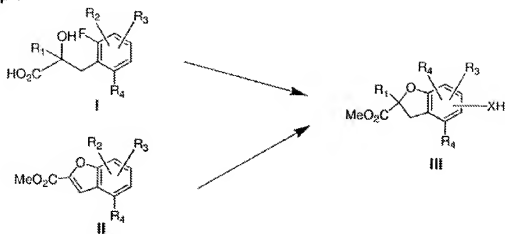
#### **Specification:**

1) At page 13, line 10, the phrase "or a prodrug of a compound of this invention" is to be deleted.

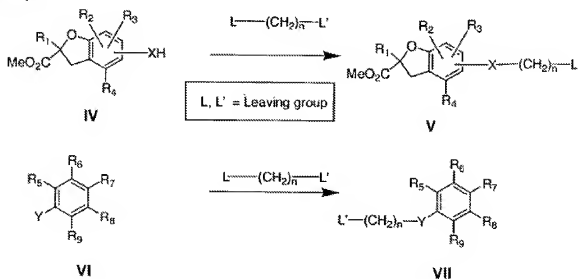
2) The entire page 34 encompassing Scheme 1 is to be replaced with the following:

Scheme 1

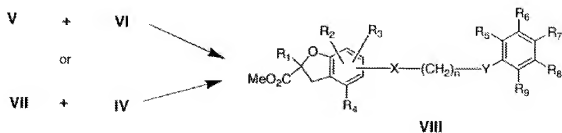
Step 1



Step 2



Step 3



### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The instant claimed compounds of formula (I) and the method for treating one or more disorders, selected from the group consisting of dyslipidemia, hypercholesterolemia, low HDL levels, and high LDL levels in a patient in need of such treatment which comprises administering to said patient a therapeutically effective amount of a compound of formula (I) is novel and non-obvious over the prior art. Structurally, the closest prior art to the instant compound are compound 61 in *J. Med. Chem.* **1989**, 32, 1842-1880 (as per Applicant's IDS) and compound IIfe in US 5580488 (columns 17-18). These compounds contain a benzodihydrofuran moiety which is connected via a linker to a substituted benzene ring. However, both of these compounds contain substitutions and/or linkers which differ and are non-obvious variants of instant formula (I).

PPAR $\alpha$  is known to lower LDL levels, and triglyceride levels as well as increase HDL levels. Applicants' claim amendments dated 6/27/2008 have overcome the 112 1<sup>st</sup> enablement rejection from the Office action dated 3/25/2008. As amended, the disorders of claim 18 are directly related to controlling PPAR $\alpha$ . Additionally, *J. Med. Chem.* **2005**, 48, 5589-5599 (as per Applicants' IDS), which shares common authorship to the instant invention, provides enabling support to the instant invention. This document provides both *in vivo* and *in vitro* data for several of the claimed compounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Claims 1-16, 18 and 30 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kortney L. Klinkel whose telephone number is (571)270-5239. The examiner can normally be reached on Monday-Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila Landau can be reached on (571)272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLK

/Sharmila Gollamudi Landau/

Supervisory Patent Examiner, Art Unit 1611